In the Supreme Court of the United States

OCTOBER TERM, 1963

No. 1080

JAKE L. HAMON, SUNRAY DX OIL COMPANY AND TEXACO INC., PETITIONERS

v.

FEDERAL POWER COMMISSION, PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM FOR THE FEDERAL POWER COMMISSION

As petitioners explained, the parties below stipulated that the court of appeals decision in *Public Service Commission of New York et al. v. Federal Power Commission, et al.*, 329 F. 2d 242, pending on petition for certiorari in Nos. 987 and 1026, this Term, should control the lower court's disposition of this case, since the Commission in the present case had based its decision on the order under review in that case. Since petitioners rely entirely on the reasons for granting certiorari advanced in Nos. 987 and 1026, we concur in their suggestion (Pet. 9).

732-020—64

that action on their petition be withheld until after the decision in Nos. 987 and 1026 and that the disposition of the case be in accordance with the action taken in those cases.[1]

Respectfully submitted.

ARCHIBALD COX,
Solicitor General.

RICHARD A. SOLOMON,
General Counsel,
Federal Power Commission.

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[1] The reasons why certiorari should be denied are fully stated in our brief in opposition to Nos. 987 and 1026, to which we respectfully refer the Court.

MAY 1964.

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